

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
CHATTANOOGA**

KENNETH ANDREW COLBAUGH, <i>et al.</i> ,	§	
	§	
<i>Plaintiffs,</i>	§	No. 1:24-cv-00151-DCLC-CHS
	§	
~v~	§	
	§	
MEIGS COUNTY SHERIFF'S	§	
DEPARTMENT, <i>et al.</i> ,	§	
	§	
<i>Defendants.</i>	§	

JOINT STATUS REPORT OF PLAINTIFFS¹

Plaintiffs, pursuant to this Court's Order (DE 65), submit this status report.

Counsel for Plaintiffs conferred and planned the following:

1. The Plaintiffs will draft and file a third amended complaint in case number 1:24-cv-00151. Nathan Alexander Smith ("Smith"), (Plaintiff from docket 1:24-cv-00104) will join Plaintiffs JE through next friend JH ("JE"), NR through next friend SR ("NR"), and LC through next friend EH ("LC").
2. Kenneth Andrew Colbaugh will not be named as a party in the third amended complaint pursuant to this Court's decision that he does not have standing as set forth in DE 65.
3. The third amended complaint will assert claims against defendants Meigs County, and the Estate of Robert J. Leonard ("Leonard") only.

¹ For the purposes of this Joint Status Report, 'Plaintiffs' include all Plaintiffs in 1:24-cv-00151 and 1:24-cv-00151, but excludes Kenneth Andrew Colbaugh pursuant to this Court's ruling contained in 1:24-cv-00151 at DE. 65.

4 There is an entry contained in the record at DE 11, Second Amended Complaint that has a note: “modified to clean up docket text on 5/16/2024 (DCB).” Further, a inquiry to ECF (Party) shows Defendant Meigs County terminated 5/10/2024 then added 5/23/2024 but Meigs County Sheriff’s Department remained as a defendant. However, Meigs County was never dropped as a Defendant in this matter. To be sure this Court’s Memorandum Opinion and Order (DE 65) reflects the lead defendant as Meigs County Sherrif’s Department. (*Id*).

5. The third amended complaint will clear up any possible confusion as to the proper defendants, and if necessary, Plaintiffs will file a motion under Fed. R. Civ. P., Rule 21 to excise Meigs County Sheriff’s Department from this matter.

6. Meigs County and Leonard Defendants have already waived service of the summons and complaints (DE 11 and 14). Further, since Meigs County and Leonard, at the time of this report, have not filed their answers to either the initial complaint or the second and third amended complaints, no motion to amend is necessary.

7. Plaintiff Smith will seek dismissal of 1:24-cv-00104 pursuant to Fed. R. Civ. P., Rule 41(a)(A)(i), and will notice the Court of the dismissal of his complaint under docket number 1:24-cv-00104. Smith notes that neither Meigs County nor Leonard served Smith with an answer or a motion for summary judgment.

8. The foregoing actions will be complete on or before January 20, 2025, and will result in there being only one pending case that includes all Plaintiffs against

Meigs County and the Estate of Robert J. Leonard regarding the events set forth in all complaints filed in both 1:24-cv-00151 and 1:24-cv-00104.

WHEREFORE, PLAINTIFFS pray that this Joint Status Report is favorably received and will take the steps outlined herein; and remain open to a joint status conference on these issues should this Honorable Court deem such a conference beneficial.

Respectfully submitted,

OLIVER BELL GROUP

December 27, 2024

/s/Alyson Oliver

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